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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

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Amendment of the Commission's )   
Rules To Implement Section 4(g)(3) )   
of the Communications Act of 1934, )   
as Amended, 47 U.S.C. §154(g)(3), )   
the Commission's Statutory Gift )   
Acceptance Authority )

GC Docket No. 93-153

To: The Commissions - MAIL STOP 1170

COMMENTS OF THE COMMUNITY BROADCASTERS ASSOCIATION

1. The Community Broadcasters Association ("CBA") hereby files these Comments in response to the Commission's Notice of Proposed Rule Making ("Notice") in the above-captioned proceeding, FCC 93-274, released June 21, 1993, and published at 58 Fed. Reg. 34405 (June 25, 1993). CBA is a trade association representing the nation's low power television ("LPTV") stations. It regularly participates in legislative and administrative proceedings to keep the Commission informed about the activities of the LPTV industry and to urge regulatory reforms to help the LPTV industry grow, prosper, and better serve the public.

2. CBA urges the Commission to change its mind about its tentative proposal, expressed at Paragraph 31 of the Notice, not to accept gifts of travel expenses under Section (4)(g)(3). The reason is that the present system, under which any expense reimbursement goes to the general federal treasury and the Commission must fund travel out of its limited budget, favors large trade associations and hurts small groups which seek to

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have Commission personnel attend their meetings and address their organizations.

3. CBA conducts an annual trade association meeting, attended by many LPTV licensees, permittees, and applicants, along with others interested in learning about the industry. The LPTV industry is still young, with many new stations still under construction. LPTV is bringing new voices to the broadcasting industry; many LPTV entrepreneurs have not previously participated in that industry. They are often not familiar with Commission regulations and policies, so it is extremely important to bring them together from time to time and to have them meet and listen to Commission officials.

4. Likewise, it is important for as many Commission officials as possible to meet LPTV entrepreneurs, to learn about what the industry is doing and to facilitate the agency's development of regulations which will bring new broadcast service to the public quickly while ensuring that LPTV stations properly serve the public interest, convenience and necessity. Therefore, CBA's annual meetings serve a very important function for both the industry and the agency -- at least as much so as conventions of larger trade associations.

5. When CBA seeks to have Commission officials attend and/or speak at its conventions, it expects to have to compete for their limited time and attention. However, persuading officials to attend and speak is made much more difficult when CBA must also compete for extremely limited Commission financial

resources, even though CBA is willing to pay the cost of travel for its guests. To the extent that Section 4(g)(3) offers the possibility of relieving the financial pressure in situations where Commission officials otherwise would like to attend an industry meeting but are unable to budget the travel cost, CBA believes that the Commission should take advantage of the opportunity.<sup>1/</sup>

6. CBA understands the possibility that trade association meetings will be held at exotic destinations, which are personally attractive to Commission officials; and the agency does not want officials deciding where to travel based on who will pay for the most lavish entertainment for them. However, the most lavish affairs are likely to be staged by the largest and wealthiest trade associations; so the present system, which favors large groups, ends up encouraging travel to what are likely to be the most lavish events anyway and cutting out more modest events. CBA suggests that the Commission should be able to rely on the good faith of its Staff and on supervision by appropriate agency officials to avoid travel motivated by entertainment. It should make an effort to remove artificial

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<sup>1/</sup> The Chairman has attended one CBA meeting, a past Chairman addressed the meeting via satellite, and the Chief of the Mass Media Bureau has regularly addressed LPTV gatherings at another association's meeting. The Commission has also always made sure that at least the Chief of the LPTV Branch has been able to attend every CBA Convention. CBA very much appreciates that support and by no means wishes to suggest that the Commission has neglected it. Nevertheless, it would like to be able to expand the group of officials who attend its meetings to the extent possible.

impediments to smaller groups of its regulatees having the benefit of direct interaction with Commission personnel.<sup>2/</sup>

7. For the foregoing reasons, CBA urges the Commission to establish a structure that permits acceptance of travel expense reimbursement so as to permit travel when private funding is available outside the constraints of the agency's limited budget.

Respectfully submitted,

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<sup>2/</sup> The travel reimbursement problem has been avoided in the past not only through nonprofit organizations, which are able to reimburse the expenses of Commission personnel directly, but also by having meetings in Washington, D.C., which is readily accessible to Commission personnel without significant cost. However, some organizations cannot easily meet in Washington. Some, like the National Association of Broadcasters, are too big; others, like CBA and the National Translator Association, have members who are concentrated away from the Northeastern part of the country, and Washington is not a centrally located meeting place for them. CBA hopes to have a meeting in Washington soon, but it should be able to choose its meeting locations for reasons other than Commission travel restrictions.